



UNITED STATES PATENT AND TRADEMARK OFFICE

80
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,921	06/15/2001	Todd L. Siler		3347

7590 07/20/2005

GIBSON, DUNN & CRUTCHER LLP
1801 CALIFORNIA ST.
SUITE 4100
DENVER, CO 80202

EXAMINER

HIRL, JOSEPH P

ART UNIT

PAPER NUMBER

2129

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/882,921	SILER, TODD L.
	Examiner Joseph P. Hirsh	Art Unit 2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 May 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 91-121 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 91-121 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered May 5, 2005 for the patent application 09/882,921 filed on June 15, 2001.
2. All prior office actions are incorporated in to this office action by reference.

Status of Claims

3. Claims 91-121 are pending.

Drawings

4. The objections of the First Office Action, dated December 22, 2003 remain.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 119 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Applicant is requested to revisit claim 119 to determine exactly what is claimed. The statement "wherein the software routine includes a dimensional routine that can change or more dimensions of three-dimensional space" escapes logical interpretation.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 91-121 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification is silent on the subject of an electronic toolbox.

9. Claims 91-121 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim terms such as "displaying the electronic structure", "using software routines", "electronically store explanations", "electronic copy of structure", "electronic files", "electronic video files", "n-dimensional electronic palette", "creating an electronic link, such as a hyperlink, to both the explanation and a stored copy of the electronic structure", "putting one or more items of electronic media into motion within the

“electronic palette”, “software routine that is capable of making one or more items of electronic media flash within the electronic palette”, “index to any electronic structures” and “network server” are examples of items that have not been enabled in the specification such that one of ordinary skill in the art could implement without undue experimentation. Within the computer science and electronic communities, some of these terms are commonly accepted to the practicing disciplinarians but the application to the current invention would require extensive experimentation.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 91-121 are rejected under 35 U.S.C. 102(b) as being anticipated by Corel Draw (Corel Draw, Volume 1 referred to as CDRAW).

Claim 91

CDRAW anticipates selecting one or more items from an electronic toolbox provided in a software routine or program, wherein each item is selected to symbolize a topic or issue associated with a specific subject (CDRAW, p A, l 11-14, p 543, l 1-10; Examiner's Note (EN): Para 15 applies); identifying at least one connection from the

electronic toolbox that represents a logical, intuitive or metamorphical connection between the selected items (**CDRAW**, p 543, l 1-10; p 551, l 1-19); connecting one or more items with a connector until each selected item is connected to at least one other selected item (**CDRAW**, p 543, l 1-10; p 551, l 1-19); displaying the electronic structure to at least one viewer (**CDRAW**, p 542, Figure; p 555, Figure); recording any communications by the viewer in response to the viewing the electronic structure (**CDRAW**, p 559 Figure; p 559, l 1-10); and storing one or more explanations of any symbolic representations reflected each item and connection included within the electronic structure(**CDRAW**, p 553 l 1-21).

Claim 92

CDRAW anticipates providing a viewer with one or more electronically stored explanations and an electronic copy of the structure (**CDRAW**, p 542, Figure; p 555, Figure); permitting the viewer to modify the electronic structure by selecting one or more additional items from the electronic toolbox that represent information about the subject as communicated by the viewer (**CDRAW**, p 543, l 1-10); and responsive to the addition of an item to the structure, adding a connector that represents a connection between the additional item and the structure (**CDRAW**, p 553 l 1-21).

Claim 93

CDRAW anticipates selecting items from an electronic toolbox includes selecting flat images such as photographs or drawings (**CDRAW**, p 553 l 1-21; EN: such would be browsing to a particular file).

Claim 94

CDRAW anticipates selecting items from an electronic toolbox includes selecting a 3-dimensional shape (**CDRAW**, p 543, l 1-10; p 553, l 1-21; EN: the third dimension is time ... animation).

Claim 95

CDRAW anticipates the step of connecting one or more items includes connecting a flat image and a selected 3-dimensional shape such that the image becomes the surface of the selected shape (**CDRAW**, p 543, l 1-10; p 553, l 1-21; EN: the third dimension is time ... animation).

Claim 96

CDRAW anticipates the step of storing explanations includes storing any symbolic analysis of the representations (**CDRAW**, p 553, l 1-21).

Claim 97

CDRAW anticipates wherein the step of storing explanations includes storing any interpretations of the representations (**CDRAW**, p 553, l 1-21).

Claim 98

CDRAW anticipates wherein the step of storing explanations includes storing any oral descriptions in one or more electronic files that can be associated with the electronic structure (**CDRAW**, p 578, l 1-23; EN: CDRAW can accommodate any sound effects).

Claim 99

CDRAW anticipates the step of storing explanations includes storing any written descriptions in one or more electronic files that can be associated with the electronic structure (**CDRAW**, p 559 Figure; p 559, l 1-10).

Claim 100

CDRAW anticipates the step of storing explanations includes storing any non-verbal descriptions in one or more electronic video files that can be associated with the electronic structure (**CDRAW**, p 553, l 1-21).

Claim 101

CDRAW anticipates the step of storing explanations includes storing any explanations and the electronic structure being explained together on a network server (**CDRAW**, p 559, l 1-10; p 327, l 1-32; p331, l 1-38).

Claim 102

CDRAW anticipates the step of providing an index to any electronic structures that are stored on the network server (**CDRAW**, p 335, l 1-10).

Claim 103

CDRAW anticipates index includes providing a list of electronic structures by the subject of the electronic structures (**CDRAW**, p 334, l 1-31).

Claim 104

CDRAW anticipates the step of selecting items from an electronic toolbox includes selecting one or more electronic drawing tools that can be used to draw the item (**CDRAW**, p 554, l 7-21; p 557; l 16-24).

Claim 105

CDRAW anticipates the step of storing one or more explanations includes storing a description of the intended meaning of the items in the structure at the time it was being assembled (**CDRAW**, p 559, Figure; p 559 l 1-10).

Claim 106

CDRAW anticipates wherein the step of assembling includes assembling structures having more than five dimensions (**CDRAW**, p 543, l 1-10; EN: a flat drawing has two dimensions, animation adds time, color, sound, and props are more than five dimension).

Claim 107

CDRAW anticipates the step of assembling includes using art materials to assemble the structure such as pens, paints, photographs, and drawings (**CDRAW**, p 543, l 1-10).

Claim 108

CDRAW anticipates wherein the step of connecting one or more items with a logical connection includes using hierarchical relations between the items (**CDRAW**, p 555, Figure; EN: hierarchical relations is time dependent).

Claim 109

CDRAW anticipates the viewer is more than one person (**CDRAW**, p 2, Figure; EN: a PC screen facilitates more than one viewer).

Claim 110

CDRAW anticipates the steps of viewed the electronic structure; recording one more explanations of the electronic structure by other individuals that have storing the

explanations on an electronic media (**CDRAW**, p 559, Figure; p 559 l 1-10); and logically linking the stored explanation with the electronic structure (**CDRAW**, p 555, Figure; EN: animation anticipates linkage).

Claim 111

CDRAW anticipates the step of logically linking the stored explanation with the electronic structure includes the step of creating an electronic link, such as a hyperlink, to both the explanation and a stored copy of the electronic structure (**CDRAW**, p 559, Figure; p 559 l 1-10; EN: such links are made upon storage of the text information).

Claim 112

CDRAW anticipates the step of permitting modification of the electronic structure by the viewer in order to apply the symbolic ideas represented by electronic structure to a different subject (**CDRAW**, p 555, Figure; EN: such is shown in the second prop).

Claim 113

CDRAW anticipates a processor for processing one or more software routines (**CDRAW**, p A, l 1-14); an electronic display connected to said processor for displaying output as requested by the software routines (**CDRAW**, p 2, l 1-15); electronic memory connected to said processor for storing a collection of electronic media that can be used to represent information concerning a given subject (**CDRAW**, p A, l 1-14; EN: such is a PC ... personal computer and its operation); and logically connected to said electronic memory and the processor (**CDRAW**, p A, l 1-14; EN: such is a PC ... personal computer and its operation), a software routine capable of providing: an electronic toolbox (**CDRAW**, p A, l 11-14, p 543, l 1-10); an n-dimensional electronic palette for

placing one or more items from the electronic toolbox into n-dimensional space (**CDRAW**, p 543, l 1-10; EN: such as creating new props); and a dimensional routine, wherein such dimensional routine enables a user to view and edit any structures using the electronic toolbox by changing at least one-dimension of the n-dimensional palette (**CDRAW**, p 543, l 1-10; p 547, l 16-24).

Claim 114

CDRAW anticipates the software routine is capable of providing an electronic toolbox that includes links to one or more media items stored in electronic memory (**CDRAW**, p 543, l 1-10).

Claim 115

CDRAW anticipates the software routine is capable of providing an electronic toolbox that includes one or more objects that visually represent logical relations (**CDRAW**, p 543, l 1-10; p 555, Figure).

Claim 116

CDRAW anticipates the electronic memory is capable of storing one or more structures created on the electronic palette using the electronic toolbox (**CDRAW**, p 543, l 1-10; p 559, Figure; p 559 l 1-10).

Claim 117

CDRAW anticipates the electronic memory includes one or more electronic media that have been added by a user (**CDRAW**, p 543, l 1-10; EN: such as sound).

Claim 118

CDRAW anticipates includes a dimensional routine that can change the dimension of time (**CDRAW**, p 543, l 1-10; p 555, Figure; EN: such would be the spacing of the figures in the animation).

Claim 119

CDRAW anticipates wherein the software routine includes a dimensional routine that can change or more dimensions of three-dimensional space (**CDRAW**, p 543, l 1-10; p 555, Figure; EN: such would be the spacing of the figures in the animation).

Claim 120

CDRAW anticipates the software routine further includes a software routine that is capable of putting one or more items of electronic media into motion within the electronic palette (**CDRAW**, p 543, l 1-10; p 555, Figure; EN: such would be animation).

Claim 121

CDRAW anticipates the software routine further includes a software routine that is capable of making one or more items of electronic media flash within the electronic palette (**CDRAW**, p 554, l 7-32; EN: such is the lasso shimmering).

Examination Considerations

12. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in

the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

13. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

14. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent *prima facie* statement.

15. Examiner's Opinion: Paras 12-14 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Claims 91-121 are rejected.

Correspondence Information

18. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

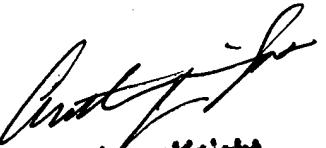
or faxed to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


Joseph P. Hirsh

July 13, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600